

**UNITED STATES DISTRICT COURT
Eastern District of Virginia
Alexandria Division**

Openmind Solutions, Inc.,

Plaintiff,

Case No. 3:12cv815

v.

JOHN DOE

Defendant.

**PLAINTIFF'S MOTION FOR LEAVE TO TAKE DISCOVERY
PRIOR TO THE RULE 26(f) CONFERENCE**

Plaintiff, through its undersigned counsel, hereby moves this Court for an Order granting limited discovery prior to the Rule 26(f) Conference. This motion is based upon the case record, attached memorandum and authorities cited therein. Through previous litigation, the Plaintiff has ascertained the name and address of the registered user of the Complaint (the name is voluntarily redacted)¹ filed in this matter. While there is strong belief by the Plaintiff that the registered user of the IP address is the actual infringer, Plaintiff seeks to depose the registered user to determine certain facts and circumstances dealing with any persons who may have had access to the each IP address indicated in the complaint. Accordingly, Plaintiff seeks to conduct

¹ Plaintiff will refer to the registered user by their initials, in this case they are M.S.. Plaintiff will mail a copy of this motion and a copy of the complaint to the registered user on file for Plaintiff which is located in the city of Ashburn, VA.

FRCP 30 depositions on the registered user indicated on the Complaint prior to the Rule 26(f) conference for the purposes of ensuring that the correct Defendant, that being the actual infringer, is named in this action.

Any information disclosed to the Plaintiff in response to a Rule 30 deposition will be used by the Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its Complaint. For all the reasons articulated in the attached memorandum, Plaintiff respectfully asks the Court to grant this motion and enter an Order substantially in the form of the attached Proposed Order.

Respectfully submitted,

DATED: November 8, 2012

By: /s/ Timothy V. Anderson
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CERTIFICATE OF MAILING

I CERTIFY that a true copy of this motion and attached memorandum, along with the Complaint filed herein was mailed November 8, 2012 to the registered user as indicated on in this motion on file with the plaintiff.

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